

ASSEMBLY BILL

No. 1183

Introduced by Assembly Member Bill Berryhill

February 18, 2011

An act to amend Section 25531 of, and to amend the heading of Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of, the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1183, as introduced, Bill Berryhill. Hazardous substances: accidental release prevention.

Existing law provides that the program for the prevention of accidental releases of regulated substances adopted by the Environmental Protection Agency pursuant to the federal Clean Air Act is the accidental release prevention program for the state.

This bill would provide that the provisions establishing the program are to be known as the "California Accidental Release Prevention Program" or "CalARP."

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Article 2 (commencing with
2 Section 25531) of Chapter 6.95 of Division 20 of the Health and
3 Safety Code is amended to read:

4
5 Article 2. ~~Hazardous Materials Management~~ *California*
6 *Accidental Release Prevention Program*
7

1 SEC. 2. Section 25531 of the Health and Safety Code is
2 amended to read:

3 25531. (a) The Legislature finds and declares that a significant
4 number of chemical manufacturing and processing facilities
5 generate, store, treat, handle, refine, process, and transport
6 hazardous materials. The Legislature further finds and declares
7 that, because of the nature and volume of chemicals handled at
8 these facilities, some of those operations may represent a threat to
9 public health and safety if chemicals are accidentally released.

10 (b) The Legislature recognizes that the potential for explosions,
11 fires, or releases of toxic chemicals into the environment exists.
12 The protection of the public from uncontrolled releases or
13 explosions of hazardous materials is of statewide concern.

14 (c) There is an increasing capacity to both minimize and respond
15 to releases of toxic air contaminants and hazardous materials once
16 they occur, and to formulate efficient plans to evacuate citizens if
17 these discharges or releases cannot be contained. However,
18 programs designed to prevent these accidents are the most effective
19 way to protect the community health and safety and the
20 environment. These programs should anticipate the circumstances
21 that could result in their occurrence and require the taking of
22 necessary precautionary and preemptive actions, consistent with
23 the nature of the hazardous materials handled by the facility and
24 the surrounding environment.

25 (d) As required by Clean Air Act amendments enacted in 1990
26 ~~(P.L. (Public Law 101-549)~~, the Environmental Protection Agency
27 has developed a program for the prevention of accidental releases
28 of regulated substances. In developing the program, the
29 Environmental Protection Agency thoroughly reviewed a wide
30 variety of chemical and hazardous substances to identify substances
31 that might pose a risk to public health or safety or to the
32 environment in the event of an accidental release. The
33 Environmental Protection Agency developed a program to prevent
34 accidental releases of those substances determined to potentially
35 pose the greatest risk of immediate harm to the public and the
36 environment. The federal program provides no options for
37 implementing agencies to diminish the requirements or
38 applicability of the federal program.

39 (e) In light of this new federal program, the Legislature finds
40 and declares that the goals of reducing regulated substances

1 accident risks and eliminating duplication of regulatory programs
2 can best be accomplished by implementing the federal risk
3 management program in the state, with certain amendments that
4 are specific to the state. Therefore, it is the intent of the Legislature
5 that the state seek and receive delegation of the federal program
6 for prevention of accidental releases of regulated substances
7 established pursuant to Section 112(r) of the federal Clean Air Act
8 (42 U.S.C. Sec. 7412(r)), by implementing the federal program as
9 promulgated by the Environmental Protection Agency, with certain
10 amendments that are specific to the state.

11 *(f) This article, and the program for the prevention of accidental*
12 *releases for the state, as specified in Section 25533, shall be known,*
13 *and may be cited as the “California Accidental Release Prevention*
14 *Program” or “CalARP.”*